

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SAMUEL HOUSTON
Plaintiff

v.

**ARMY FLEET SERVICES, L.L.C.,
Defendant**

CASE NUMBER 1:06-cv-243-MEF

(JURY DEMAND)

MOTION TO CONTINUE SUMMARY JUDGMENT MOTION DEADLINE

COMES NOW THE PLAINTIFF, by and through undersigned counsel, and submits his Motion to Continue generally the deadlines currently set by the Court for his response to the Defendant's Motion for Summary Judgment pending resolution of his outstanding Motion to Compel essential discovery from the Defendant. Defendant is currently ordered to show cause by the Magistrate Judge as to why the Motion to Compel should not be granted by April 27, 2007, and the plaintiff's response to summary judgment is due for submission on May 1, 2007. Plaintiff is severely prejudiced in preparing his response to summary judgment by the defendant's failure to provide proper responses to his properly promulgated discovery.

WHEREFORE, these premises considered and for other such just cause as the Court may in its discretion find, the plaintiffs move this Honorable Court to Continue, generally, the deadline for submission of his response to summary judgment until such time as the outstanding discovery issues are resolved, and the Court enters a new order.

Respectfully submitted this 25th day of April 2007.

/S/ JIMMY JACOBS

JIMMY JACOBS (JAC051)

Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using CM/ECF system and service will be perfected upon counsel of record following this the 25th day of April, 2007.

/s/JIMMY JACOBS

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